THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO. 16838 of 2007

Dated: 09.08.2007

Between:

S.K.Aleem Nawaz.

..Petitioner

And

The Commissioner, Disabled Welfare and State Commissioner under Persons with Disabilities Act, 1995, Disabled Welfare Department, Government of A.P., 6th Floor, Chandravihar Buildings, Nampally, Hyderabad and others.

..Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 16838 of 2007

ORDER:

The petitioner joined the service of the respondent-APSRTC as Conductor on 20.07.1996. While working as such, he was removed from service by orders dated 08.04.2000 on certain cash and ticket irregularities. Assailing the said order, the petitioner raised an industrial dispute in I.D. No.110 of 2001, and the same was allowed setting aside the order of removal. Pursuant to the said award, the petitioner was reinstated into service on 12.11.2002. Thereafter, during periodical medical examination conducted on 14.11.2002, the petitioner was declared as medically unfit to hold the post of Conductor due to defective vision, and the respondent-APSRTC, vide proceedings dated 21.11.2002, retired him from service. Thereafter, he filed case No.141 of 2002 before 1st respondent seeking alternative employment under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (for short 'the Act'), and the same was allowed directing the respondent-APSRTC to consider the case of the petitioner as per the seniority of medically unfit conductors and provide alternative employment in the light of the provisions of the Act. Thereafter, since the respondent-

APSRTC has not considered his case, he made a representation dated 21.12.2006 to the respondents 2 to 5 to provide alternative employment, but no orders thereon have been passed. Hence, he filed the present writ petition.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-APSRTC. Both the counsel agreed to dispose of the writ petition with a direction to the respondent-APSRTC to consider the representation of the petitioner seeking alternative employment in view of his medical unfitness.

3. Since the representation dated 21.12.2006 of the petitioner is said to be pending consideration before the respondent-APSRTC, without going into the merits of the matter, and in view of the agreed stand taken by both the counsel, I deem it appropriate to dispose of the writ petition with the following directions:

The respondent-APSRTC is directed to consider the representation dated 21.12.2006 of the petitioner and pass appropriate orders thereon in accordance with law, expeditiously.

Accordingly, the Writ Petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 09.08.2007

sj